

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN KNIGHT, et al.

Plaintiffs

V.

CHRISTMAS TREE SHOPS, INC.

Defendant

)
)
)
)
) **Case No. 1:04-cv-12698**
)
)
)
)

**STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF THE MOTION FOR
LEAVE TO FILE AMENDED COMPLAINT**

Plaintiffs have moved for leave to file an amended complaint joining two additional plaintiffs with similar claims. Rule 15 of the Federal Rules of Civil Procedure and *Conley v. Gibson*, 355 U.S. 41 (1957), provide that leave to amend should be freely granted.

This is plaintiffs' first request for leave to file an amended complaint. It does not delay this case or unduly prejudice defendant. The additional two plaintiffs could, of course, file a separate action. But this would cost more for plaintiffs, for defendants and take up more of the court's time.

For all of these reasons, the motion should be granted.

Respectfully submitted,

DANIEL E. CHAIKA (BBO#A551830)
CHAIKA & CHAIKA
30 Rolfe Square
Cranston, Rhode Island 02910
(401) 941-5070 - telephone
(401) 94105299 - facsimile